

Black Seen as a Top Aide to Bell

WASHINGTON, Dec. 31 (AP)—President-elect Carter and his designated Attorney General, Griffin B. Bell, have selected a Federal appeals court judge, Wade H. McCree, as Solicitor General, sources close to Mr. Carter said today.

However, it was not known whether the judge had agreed to leave his tenured post to accept the appointment.

Judge McCree, 56 years old, has served for 10 years on the United States Court of Appeals for the Sixth Circuit, in Cincinnati, and previously was a Federal district judge for five years in Detroit. He is one of only two black Federal appeals judges.

[Judge McCree and John P. Frank, a liberal Phoenix lawyer, were mentioned earlier this week as prospective choices for the posts of Deputy Attorney General or Solicitor General.]

Judge McCree's appointment might blunt some of the criticism voiced by civil rights activists over Mr. Carter's choice of Mr. Bell, who served on the United States Court of Appeals for the Fifth Circuit for 15 years.

Criticism of Bell Recalled

Mr. Bell has been criticized by civil rights groups for some of his judicial decisions, including a 1966 ruling that upheld the Georgia House of Representatives' refusal to seat a black activist, Julian Bond. The Supreme Court later unanimously reversed that ruling.

Mr. Bell also has been criticized for endorsing a fellow judge, G. Harrold Carswell, for the Supreme Court in 1970,

and for his membership in private Atlanta clubs that exclude blacks and Jews. Mr. Bell has said he is resigning from the clubs.

The Solicitor General represents the United States in cases before the Supreme Court. The post is the No. 3 job in the Justice Department, below the Attorney General and his deputy.

Served on Judicial Board

Judge McCree served with Mr. Bell in the late 1960's on the Judicial Center Board in Washington.

Judge McCree was asked yesterday about the possibility he might receive a sub-Cabinet job in the Carter administration. He acknowledged that he had been asked about his availability and said, "but that's about as far as it's gone."

"I'm not really in a position to say I've been offered anything because I haven't," he said.

Judge McCree, a native of Des Moines, Iowa, was graduated from Fisk University in Nashville, Tenn., and the Harvard Law School. He began practicing law in Detroit in the late 1940s.

He was a Michigan workmen's compensation commissioner from 1952 to 1954, then spent seven years as a Wayne County (Detroit) circuit judge before President Kennedy appointed him to the Federal bench.

Judge McCree has been active in the Democratic Party and as a civil rights spokesman, as well as in civic activities in Detroit. He is also on the Harvard University's board of overseers.